

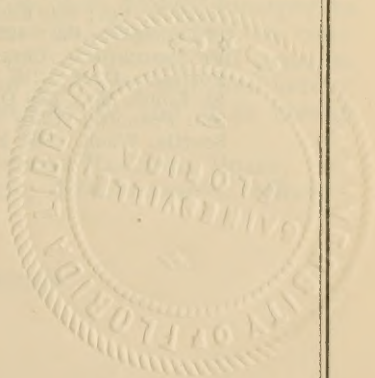
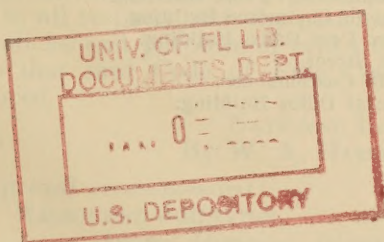
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

BLUE PRINT AND PHOTO
PRINT INDUSTRY

AS APPROVED ON DECEMBER 18, 1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
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Approved Code No. 537

CODE OF FAIR COMPETITION

FOR THE

BLUE PRINT AND PHOTO PRINT INDUSTRY

As Approved on December 18, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE BLUE PRINT AND
PHOTO PRINT INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Blue Print and Photo Print Industry, and hearing having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policies and purposes of said title of said act; and does hereby order that said Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,
Acting Division Administrator.

WASHINGTON, D. C.,
December 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Blue Print and Photo Print Industry, the hearing having been conducted in Washington on October 5, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

HOURS AND WAGES

The maximum hours are established in this Code as follows: All employees, except outside salesmen and employees engaged in a managerial capacity who receive thirty-five dollars (\$35.00) per week or more—forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period. The maximum hour provisions shall not apply to the following: Employees engaged in printing processes who may work a total of one hundred and forty-four (144) hours additional in any calendar year, but not in excess of thirty-two (32) additional hours in any one month, but in any such special case at least one and one-half ($1\frac{1}{2}$) times their regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any one week; employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least time and one-half shall be paid for hours worked in excess of the maximum hour provisions. No employer shall permit any employee to work for any time which when totaled with that already performed for another employer, or employers, exceeds the maximum hour provisions.

The minimum wages are established in this Code as follows: All employees, except messengers—fifteen dollars (\$15.00) per week; Messengers—twelve dollars (\$12.00) per week. These minimum rates of pay shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis and female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. Employees whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if such employer shall obtain from the state authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate.

The employment of any person under sixteen (16) years of age is prohibited with a further provision that no person under eighteen (18) years of age may be employed in any occupation hazardous in nature or dangerous to health.

GENERAL STATEMENT

This Industry includes the service for others for compensation or hire of printing on sensitized paper or cloth by means of photographic processes, known as blue printing and photo printing.

There are approximately 450 concerns in the Industry, which number is a decrease of about 18 percent since 1929. There is an estimated number of 5,500 employees against an estimated 6,000 in 1929, a decrease of about 8 percent. The estimated aggregate invested capital decreased from \$14,000,000 in 1929 to an estimated \$10,000,000 in 1933, a decrease of about 28 percent. No reliable data is available on the volume of sales.

FINDINGS

The Assistant Deputy Administrator in his final report on said Code having found as herein set forth and on the basis of all the proceedings in this matter. It is found that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purposes of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate government sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, and improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees; and is not classified as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof; and the applicant association is an association truly representative of the aforesaid Industry; and said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) The Code is not designed to and will not permit monopolies or monopolistic practices.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, this Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

DECEMBER 18, 1934.

CODE OF FAIR COMPETITION FOR THE BLUE PRINT AND PHOTO PRINT INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Blue Print and Photo Print Industry, and the provisions of this Code shall be the standards of fair competition of such Industry and shall be binding upon every member of the Industry.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Blue Print and Photo Print Industry" as used herein includes the service for others for compensation or hire of printing on sensitized paper or cloth by means of photographic processes, known as blue printing and photo printing, and such related branches or subdivisions thereof as may from time to time be included under the provisions of this Code. The provisions of this Code shall not apply to any of the operations above mentioned when performed by a company for its own use and not for compensation or hire, or by a company in the production, solicitation for sale, sale, installation, repairing or servicing of products produced by such company.

SECTION 2. The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

SECTION 3. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

SECTION 4. The term "member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the Blue Print and Photo Print Industry as above defined, either as an employer or on his or its own behalf.

SECTION 5. The terms "President", "Act" and "The Board" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board.

SECTION 6. The singular includes the plural, the plural includes the singular, the masculine includes the feminine and neuter and the neuter includes the masculine and feminine.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period, except outside salesmen and except employees

engaged in a managerial capacity receiving thirty-five dollars (\$35.00) a week or more, and except that an employee engaged in printing processes may work a total of one hundred and forty-four (144) hours additional in any calendar year but not in excess of thirty-two (32) additional hours in any one month, provided, however, that all such additional hours shall be compensated at not less than time and one-half. A normal work day shall not exceed eight (8) hours.

SECTION 2. The maximum hours fixed in the foregoing section shall not apply to any employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least time and one-half shall be paid for hours worked in excess of the maximum hours therein provided.

SECTION 3. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

SECTION 4. No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this Industry (or other industry), exceeds the maximum permitted herein.

SECTION 5. Any person who does any work commonly performed by an employee shall be subject to the provisions of this Code as to hours of labor.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of fifteen dollars (\$15.00) per week, except messengers who shall be paid at not less than twelve dollars (\$12.00) per week.

SECTION 2. This Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SECTION 3. No employer shall make any reduction in the full-time weekly earnings of any employee whose normal full-time weekly hours are reduced by twenty percent (20%), or less, below those existing for the week ending June 17, 1933. When the normal full-time weekly hours of an employee are reduced by more than said percent, the full-time weekly wage of such employee shall not be reduced by more than one-half ($\frac{1}{2}$) of the percentage of hour reduction above said percent. In no event shall hourly rates of pay be reduced, irrespective of whether compensation is actually paid on an hourly, weekly, or other basis, nor shall any wages be at less than the minimum rates herein provided.

Within thirty (30) days of the effective date hereof (unless such adjustment has been made theretofore), each employer shall adjust the schedules of wages of his employees in such an equitable manner as will conform to the provisions hereinabove set forth and still preserve wage differentials reasonably proportionate to those in effect prior to the effective date of this Code.

SECTION 4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 5. A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be em-

ployed on light work at a wage below the minimum established by this Code if the employer obtains from the state authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employees.

SECTION 6. The employer shall make payment of all expense incurred by an employee in performance of his duties.

SECTION 7. Standards as to the maximum hours of labor, minimum rates of pay and such other conditions of employment as may be necessary to effectuate the policies of Title I of the Act may be established for any area by mutual agreements between employers and employees arrived at and approved pursuant to the provisions of Section 7 (b) of the Act, provided that the wage, hour and other labor provisions of such agreements shall not be less favorable to employees than the wage, hour and other labor provisions established in this Code.

SECTION 8. All members of this Industry shall make payment of all wages and salaries due in lawful currency or by negotiable check therefor, payable on demand at par. If wages are paid by check, the employer shall provide reasonably accessible facilities for cashing such checks at face value without expense to the employee. Employers shall also provide such identification as is necessary to utilize such facilities.

Wages shall be payable at the end of each weekly period and shall be exempt from any payment or deduction for pensions, insurance or sick benefits other than those voluntarily paid or authorized to be deducted by employees. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Industry in any capacity. No person under eighteen (18) years of age shall be employed in the Industry at operations or occupations hazardous in nature or detrimental to health. In any State any employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit, duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

SECTION 3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

SECTION 4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 5. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Board within six (6) months after the effective date of this Code.

SECTION 6. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 7. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 8. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Board.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF CODE AUTHORITY

SECTION 1. During the period not to exceed sixty (60) days following the effective date of this Code, the Code Committee of the International Association of Blue Print and Allied Industries shall constitute a temporary Code Authority. There shall be constituted within the sixty (60) day period a Code Authority consisting of six (6) members who shall be members of the Industry to be elected as follows:

(a) The temporary Code Authority shall select a member or group of members of the Industry with the duty of calling a meeting of the members of the Industry, upon fifteen (15) days' notice sent by registered mail to all members of the Industry, whose names may be ascertained after diligent search. At such meeting the members of the Industry shall nominate and elect six (6) members to be their representatives on the Code Authority, the voting to be either in person or by proxy or by letter ballot. Not more than four (4) members so elected members of the Code Authority shall be members of the International Association of Blue Print and Allied Industries. The members of the Code Authority first elected shall serve till June 16, 1935. Thereafter members of the Code Authority shall be elected for a term of one year at a meeting called by the Code Authority not less than thirty (30) days prior to the expiration date of the current term of office of the Code Authority.

(b) A vacancy occurring in the Code Authority shall be filled by a member of the Industry who shall be elected to the vacancy by a majority vote of the remaining members of the Code Authority, consistent with the provisions of the preceding paragraph subject to the approval of the Board.

SECTION 2. The Board in its discretion may appoint not more than three (3) members of the Code Authority, without vote, to serve for such terms as it may prescribe.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Board may deem necessary to effectuate the purposes of the Act.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Board may prescribe such hearings as it may deem proper; and thereafter if it shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

SECTION 6. Subject to such rules and regulations as may be issued by the Board, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to a confidential and disinterested agent of the Code Authority, or, if none, then with such an agent designated by the Board, members of the Industry subject to this Code shall furnish such statistical information as the Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing in this Code shall relieve any member of the Industry of any obligations to furnish reports to any government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Board.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To recommend to the Board any action or measure deemed advisable, including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Board after such notice and hearing as it may specify.

(f) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other codes to the end that such fair trade practices may be proposed to the Board as amendments to this Code and such other Codes.

(g) To provide appropriate facilities for arbitration, and subject to the approval of the Board, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

SECTION 7. The Code Authority may define trade areas, their subdivisions, and suburban areas and designate the boundaries thereof, subject to the approval of the Board.

SECTION 8. In order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Board, to determine and obtain equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 9. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 10. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Board; and no subsequent budget shall contain any deficiency item

for expenditures in excess of prior budget estimates except those which the Board shall have so approved.

SECTION 11. If the Board shall at any time determine that any action of a Code Authority, or any agency thereof, may be unfair or unjust or contrary to the public interest, the Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or Agency, pending final action, which shall not be effective unless the Board approves or unless it shall fail to disapprove after thirty (30) days notice to it of intention to proceed with such action in its original or modified form.

ARTICLE VII—TRADE PRACTICE RULES

RULE 1. No member of the Industry shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitation, its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 2. No member of the Industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. No member of the Industry shall publish advertising which refers inaccurately in any material particular to any competitors or their prices, values, credit terms, policies, or services.

RULE 4. No member of the Industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harrassing competitors or intimidating their customers.

RULE 5. No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

RULE 6. No member of the Industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 7. No member of the Industry shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or

services by any such means, with the purpose and effect of hampering, injuring, or embarrassing competitors in their business. This shall not be construed to apply to labor contracts.

RULE 8. No member of the Industry shall accept the return for partial or full credit of any blueprint, photo print, or other products previously delivered for any reason other than the unsatisfactory nature of said product.

RULE 9. No member of the Industry shall use any subterfuge to frustrate the spirit and intent of this Code.

ARTICLE VIII—OPEN PRICE AGREEMENT

SECTION 1. Each member of the Industry shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the Board, identified lists of all his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the Industry as are sold or offered for sale by said member and for such nonstandard products of said member as shall be designated by the Code Authority. Said price list terms shall in the first instance be filed within ten (10) days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions or any part thereof shall not be made available to any person until released to all members of the Industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid ten (10) day period after the approval of this Code. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Board. Upon request the Code Authority shall furnish to the Board or any duly designated agent of the Board copies of any such lists or provisions of price terms. Such price lists and/or any revised price list shall be made available to all interested parties.

SECTION 2. When any member of the Industry has filed any revision, such member shall not file a higher price within forty-eight hours.

SECTION 3. No member of the Industry shall sell or offer to sell any product/services of the Industry, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

SECTION 4. No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion, or any other influence, inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

SECTION 5. The standards of fair competition for the industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N. R. A. which shall render a report and recommendation thereon to the Board.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 6 hereof, is forbidden.

SECTION 6.—(a) If the Board after investigation shall at any time find both (1) that an emergency has arisen within the industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Board a determination of the stated minimum price of the product affected by the emergency and thereupon the Board may proceed to determine such stated minimum price.

(b) When the Board shall have determined such stated minimum price for a specified product for a stated period which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, it shall publish such price. Thereafter, during such stated period, no member of the industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 7. The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Industry, and shall submit such methods to the National Industrial Recovery Board for review. If approved by the Board, full information concerning such methods shall be made available to all members of the Industry. Thereafter, each member of the Industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code

Authority, any agent thereof, or any member of the Industry to suggest uniform additions, percentages, or differentials, or other uniform items of costs which are designed to bring about arbitrary uniformity of costs or prices.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Board and such notice and hearing as it shall specify, and to become effective on approval.

ARTICLE X—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, and when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the National Industrial Recovery Board.

Approved Code No. 537.

Registry No. 1604-02.



